

# Abortion Is Legal and Protected in New York State

New York State first legalized abortion in 1970—three years prior to *Roe v. Wade*.<sup>1</sup> Even with *Roe* overturned, New York state has robust protections in place to ensure that anyone who can get pregnant—including transgender men and nonbinary people—can get an abortion. In 2019, New York passed the Reproductive Health Act,<sup>2</sup> codifying the protections of *Roe* and ensuring access to a safe and legal abortion. New York recognizes that abortion is basic health care.

## NEW YORK GUARANTEES ACCESS TO ABORTION CARE:

- New York guarantees the unqualified right to abortion up to 24 weeks post-fertilization.<sup>3</sup>
- Abortion is permitted after 24 weeks if the fetus is not viable or if the pregnant person's life or health (including mental health) is at risk.<sup>4</sup>
- In New York, minors may responsibly access abortion or other reproductive health services without parental notification or consent.

## ABORTION SERVICES IN NEW YORK ARE CONFIDENTIAL:

- A health care provider generally may not disclose medical records or any information about a pregnant person's appointment or procedure without their consent.<sup>7</sup> This includes not informing their partner, their parents or guardians, or anyone else without their permission.
- Employers are prohibited from accessing an employee's personal information regarding their or their partner's reproductive health decision-making.<sup>8</sup>

## NEW YORK PROHIBITS DISCRIMINATION AND HARASSMENT FOR REPRODUCTIVE DECISION-MAKING:

- State law prohibits employment discrimination based upon “reproductive health decision making,” which can include the decision to use a particular medication, medical device, or medical service.<sup>5</sup>
- The New York Clinic Access Law prohibits anyone from using force, threat of force, or physical obstruction to injure, intimidate, or interfere with anyone (or attempt to do so) because they are seeking reproductive health services.<sup>6</sup>

## NEW YORK REQUIRES INSURANCE COVERAGE OF ABORTION:

- New York provides public funding for abortion.<sup>9</sup>
- New York requires state-regulated private insurers to cover “medically necessary” abortion care.<sup>10</sup>
- Beginning January 1, 2023, every private insurance plan offering maternity care coverage must cover abortion.<sup>11</sup>

<sup>1</sup> N.Y. Penal Law § 125.05(3) (1971).

<sup>2</sup> N.Y. Pub. Health Law §§ 2599-aa to bb.

<sup>3</sup> N.Y. Pub. Health Law §§ 2599-bb(1).

<sup>4</sup> *Id.*

<sup>5</sup> N.Y. Lab. Law § 203-e.

<sup>6</sup> N.Y. Civ. Rights Law § 79-m; N.Y. Penal Law § 240.70.

<sup>7</sup> N.Y. Pub. Health Law § 18.

<sup>8</sup> N.Y. Lab. Law § 203-e(1).

<sup>9</sup> See New York State Department of Health, Medicaid Family Planning Services, [health.ny.gov/health\\_care/managed\\_care/famplan10ques.htm](https://health.ny.gov/health_care/managed_care/famplan10ques.htm).

<sup>10</sup> 11 NYCRR § 52.16(o) (requiring coverage of “medically necessary abortions”).

<sup>11</sup> A.B. 9007, 2022 Leg., Reg. Sess. (NY 2022), Amending N.Y. Ins. Law § 3216 (effective January 1, 2023).

